

REMARKS

Claims 1-9, 11-22, 24-35 and 37-39 are pending in the present application. Claims 1, 6, 14, 19, 27 and 32 have been amended, and Claims 10, 23 and 36 have been cancelled, herewith. Reconsideration of the claims is respectfully requested.

Applicants would initially like to thank the Examiner for taking the time to conduct a telephonic interview with Applicants' representative on November 5, 2004. While no agreement was reached, Applicants' representative highlighted certain claim features not taught or suggested by the cited references, such as Claim 10.

I. 35 U.S.C. § 102, Anticipation

A. The Examiner rejected Claims 1-9, 11, 13, 14-22, 24 and 26 under 35 U.S.C. § 102(e) as being anticipated by Katz et al. (US Pat# 6,424,706). This rejection is respectfully traversed.

Claim 1 has been amended to include features of originally filed Claim 10. The traversal of the rejection of amended Claim 1 is discussed below in the 35 U.S.C. 102 Alperovich rejection, as Claim 10 (now a part of Claim 1) was rejected under 35 U.S.C. 102 as being anticipated by Alperovich.

With respect to Claims 2-9, 11 and 13, Applicants traverse for reasons given below with respect to amended Claim 1.

Claim 14 has been amended to include features of originally filed Claim 23. The traversal of the rejection of amended Claim 14 is discussed below in the 35 U.S.C. 102 Alperovich rejection, as Claim 23 (now a part of Claim 14) was rejected under 35 U.S.C. 102 as being anticipated by Alperovich.

With respect to Claims 15-22, 24 and 26, Applicants traverse for reasons given below with respect to Claim 14 (of which Claims 5-22, 24 and 26 depend upon).

Therefore, the rejection of Claims 1-9, 11, 13, 14-22, 24 and 26 under 35 U.S.C. § 102 as being anticipated by Katz et al. has been overcome.

B. The Examiner rejected Claims 1, 12 and 14 under 35 U.S.C. § 102(e) as being anticipated by Alperovich (US Pat# 6,175,741). This rejection is respectfully traversed.

Claim 1 has been amended to include features of originally filed Claim 10. The traversal of the rejection of amended Claim 1 is discussed below in the 35 U.S.C. 102 rejection of Claim 10 (now a part of Claim 1).

With respect to Claim 12, the reasoning given in rejecting Claim 12 does not appear in the claim language of Claim 12. In a telephonic interview with the Examiner, the Examiner confirmed that this was a typographical error, and that this rejection instead pertains to Claim 10 (and not Claim 12). Applicants traverse the rejection of Claim 10 as follows.

Claim 1 has been amended to include features of originally filed Claim 10 (and thus Claim 10 is being cancelled herewith without prejudice or disclaimer). As to amended Claim 1, such claim recites “transferring the feature from the transferring telephone customer account to the at least one recipient telephone customer account, wherein the feature includes at least one of a call waiting, call forwarding, and enhanced voice mail service”. As can be seen, the feature that is transferred from one telephone customer account to another is either a call waiting, call forwarding or enhanced voice mail service. In rejecting Claim 12 (which was meant to instead identify Claim 10, per the Examiner, and the features of Claim 10 are now included in amended Claim 1), the Examiner stated:

“transferable feature data could include call forwarding since it can be part of the business card information application”

in discussing the teachings of the cited Alperovich reference. Applicants urge that the cited Alperovich does *not* contemplate transferring any type of call forwarding feature/service from one telephone subscriber to another, as expressly recited in amended Claim 1. Rather, the teachings of Alperovich discuss transferring of personal information, such as what appears on a business card, to other users/devices. This is not a transfer of any type of *feature/service*, but a mere transfer of *information*. This can be seen by the teachings of Alperovich at column 2, lines 12-38, where it states:

Today, a number of non-mobile held devices support business card applications for storing business cards in electronic form. *The information*

from a business card can include the person's name, fax and telephone number and e-mail address. In addition, recent developments have proposed implementing such business card applications within mobile devices, such as an MS 20. The business card information can be stored within, for example, the SIM card 200, and can be accessed to initiate an outgoing call to a selected person's telephone number, fax number, or, alternatively, to the selected person's e-mail address through the Internet.

However, the utilization of such mobile-based business card applications has been limited to the storage and retrieval of the business card information. *In today's society, with the mobility of employees between various employers, business card information can change rapidly. Instead of providing a hard copy of such business card information each time the information changes, which must be manually entered into the mobile-based business card application, it would be more convenient to store such information in the mobile-based business card application, transmit the information over the cellular network to each desired subscriber that has this business card application, and re-transmit the information if any changes are made without having to remember each subscriber that the information was initially sent to.* (emphasis added by Applicants)

Thus, it is mere *information* that is transmitted to another per the teachings of the cited Alperovich reference. This is also described by Alperovich at column 5, lines 15-27. In contrast, amended Claim 1 is specifically directed to the transfer of a *feature/service* from one telephone customer account to another, the feature/service being one of call waiting, call forwarding and enhanced voice mail. While the cited Alperovich reference does make mention of a call forwarding service, this service is not transferred from one customer to another. Rather, the use of a pre-existing customer service can utilize the updated business card *information* that gets transferred between users. This can be seen by the teachings of Alperovich at column 2, lines 40-45, where it states:

Furthermore, with the increase in available supplementary services, such as call forwarding, call blocking, caller ID, call priority, positioning and conference calling, it would be advantageous to utilize the business card information to tailor these supplementary services to the individual subscriber. (emphasis added by Applicants)

Thus, it is shown that amended Claim 1 is not anticipated by the cited Alperovich reference, as such reference merely teaches the transfer of information, and not a service, between users/customers.

Claim 10 has been cancelled herewith without prejudice or disclaimer.

With respect to Claim 14, Applicants have amended such claim in similar fashion to Claim 1, and Applicants traverse the rejection of Claim 14 for similar reasons to those given above with respect to Claim 1.

Therefore, the rejection of Claims 1, 10 (which was intended to be rejected by the Examiner in lieu of Claim 12) and 14 under 35 U.S.C. § 102 as being anticipated by Alperovich has been overcome.

II. 35 U.S.C. § 103, Obviousness

A. The Examiner rejected Claims 10, 12, 23 and 25 under 35 U.S.C. § 103 as being unpatentable over Katz et al. (US Pat# 6,424,706) in view of Alperovich (US Pat# 6,175,741). This rejection is respectfully traversed.

Claim 10 has been cancelled herewith without prejudice or disclaimer.

With respect to Claim 12, Applicants traverse for similar reasons to those given above with respect to Claim 1 (of which Claim 12 depends upon), and urge that the cited references do not teach or suggest the claimed feature of “transferring the feature from the transferring telephone customer account to the at least one recipient telephone customer account, wherein the feature includes at least one of a call waiting, call forwarding, and enhanced voice mail service”.

Claim 23 has been cancelled herewith without prejudice or disclaimer.

With respect to Claim 25, Applicants traverse for similar reasons to those given above with respect to Claim 14 (of which Claim 25 depends upon), and urge that the cited references do not teach or suggest the claimed feature of “transferring the feature from the transferring telephone customer account to the at least one recipient telephone customer account, wherein the feature includes at least one of a call waiting, call forwarding, and enhanced voice mail service”.

Therefore, the rejection of Claims 10, 12, 23 and 25 under 35 U.S.C. § 103 has been overcome.

B. The Examiner rejected Claims 27-35, 37 and 39 under 35 U.S.C. § 103 as being unpatentable over Katz et al. (US Pat# 6,424,706). This rejection is respectfully traversed.

With respect to Claim 27 (and dependent Claims 28-35, 37 and 39), Applicants traverse for similar reasons to those given above with respect to Claim 1, and urge that the cited reference does not teach or suggest the claimed feature of “transferring the feature from the transferring telephone customer account to the at least one recipient telephone customer account, wherein the feature includes at least one of a call waiting, call forwarding, and enhanced voice mail service”.

Therefore, the rejection of Claims 27-35, 37 and 39 under 35 U.S.C. § 103 has been overcome.

C. The Examiner rejected Claims 36 and 38 under 35 U.S.C. § 103 as being unpatentable over Katz et al. (US Pat# 6,424,706) in view of Alperovich (US Pat# 6,175,741). This rejection is respectfully traversed.

Claim 36 has been cancelled herewith without prejudice or disclaimer.

With respect to Claim 38, Applicants traverse for similar reasons to those given above with respect to Claim 27 (of which Claim 38 depends upon), and urge that the cited references do not teach or suggest the claimed feature of “transferring the feature from the transferring telephone customer account to the at least one recipient telephone customer account, wherein the feature includes at least one of a call waiting, call forwarding, and enhanced voice mail service”.

Therefore, the rejection of Claims 36 and 38 under 35 U.S.C. § 103 has been overcome.

D. The Examiner rejected Claims 27 and 36 under 35 U.S.C. § 103 as being unpatentable over Alperovich (US Pat# 6,175,741). This rejection is respectfully traversed.

With respect to Claims 27 and 36, Applicants traverse for similar reasons to those given above with respect to Claim 1, and urge that the cited reference does not teach or

suggest the claimed feature of “transferring the feature from the transferring telephone customer account to the at least one recipient telephone customer account, wherein the feature includes at least one of a call waiting, call forwarding, and enhanced voice mail service”.

Further, there would have been no motivation to modify the teachings of the cited reference in accordance with the claimed invention. Alperovich contemplates that a pre-existing business card application (which must be pre-existing in order for the business card update function to even work in the first place) can be enhanced to provide customized supplementary services such as call forwarding. Once a subscriber receives business card information from another subscriber and stores such business card information, the subscriber can request *new* supplemental services based upon such information (Alperovich column 5, lines 40-56). Such request of new supplemental services based upon receipt of business card information does not teach or otherwise suggest a transfer of a service such as call forwarding from one customer to another, as expressly recited in Claims 27 and 36. The fact that a prior art device could be modified so as to produce the claimed device is not a basis for an obviousness rejection unless the prior art suggested the desirability of such a modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). There is simply no suggestion of any desire for such a modification in the cited reference, and thus there is no basis for an obviousness rejection in view of this cited reference.

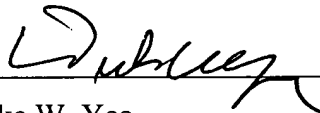
Therefore, the rejection of Claims 27 and 36 under 35 U.S.C. § 103 has been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 11/24/08

Respectfully submitted,



Duke W. Yee
Reg. No. 34,285
Wayne P. Bailey
Reg. No. 34,289
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorneys for Applicants